

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL BELGARDE,

Defendant.

CR-17-72-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 2, 2020. (Doc. 37.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 1, 2020. (Doc. 35.) The United States accused Belgarde of violating his conditions of supervised release by failing to complete his 180-day term at the Great Falls Residential Reentry Center. (Doc. 32).

At the revocation hearing, Belgarde admitted that he had violated the conditions of his supervised release by failing to complete his 180-day term at the Great Falls Residential Reentry Center. (Doc. 35.) Judge Johnston found that the violation Belgarde admitted proved to be serious and warranted revocation, and recommended that Belgarde receive a custodial sentence of 5 months custody, with 19 months of supervised release to follow. Belgarde was advised of the 14 day objection period and his right to allocute before the undersigned, and waived those rights. (Doc. 43.)

The violations prove serious and warrant revocation of Belgarde's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 37) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Tyrell Belgarde be incarcerated for 5 months, with 19 months of supervised release to follow.

DATED this 3rd day of September, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court

